

REMARKS

Applicants thank Examiner Goodrow for indicating in the Office Action of April 19, 2006 that the subject matter of Claims 3, 23 and 24 is allowable if rewritten in independent form. Independent Claim 1 is amended herein to include the limitations of previously dependent Claim 3. New independent Claim 29 includes the limitations of previously presented independent Claim 1 and dependent Claim 23. New independent Claim 41 includes the limitations of previously presented independent Claim 1 and dependent Claim 24.

Applicants submit the amendment to the claims obviates the rejections under 35 U.S.C. §103 as they are set forth in the April 14, 2006 Office Action.

The Office rejected the previously presented claims under the judicially created doctrine of obviousness-type double patenting in view of co-pending application 10/800,636 (the '636 application). Applicants note that the '636 application has a filing date after the filing date of the present application.

Applicants draw the Office's attention to M.P.E.P. §804(I)(B)(1), reproduced below for convenience:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier file of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

Applicants request that the Office withdraw the obviousness-type double patenting rejection in the present case and allow the present, earlier-filed application to issue as a patent.

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance and respectfully request early notification of the same.

Respectfully submitted,

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